

ENTERED

March 05, 2019

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

LEOBARDO ARAGUZ,
Plaintiff,

v.

DEMPSIE CLINTON, *et al.*,
Defendants.

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Civil Action No. 1:18-cv-00148

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the "Magistrate Judge's Report and Recommendation" (hereafter "R&R") (Docket No. 20) in the above-captioned case. No objections were filed. After a *de novo* review of the record, the Court **ADOPTS** the R&R in its entirety and **GRANTS** the following pleadings: (i) Defendant City of Harlingen, Texas's (hereafter "City") "Motion to Dismiss Defendant Scott Vega" (Docket No. 1 Ex. 1 at 50); (ii) the City's "Plea to the Jurisdiction" (Docket No. 1 Ex. 1 at 56); (iii) and the City's "Motion for Partial Judgment on the Pleadings" (Docket No. 4). Thus, the following claims are **DISMISSED WITH PREJUDICE**: (i) Plaintiff's state claims against Defendant Scott Vega; (ii) Plaintiff's claim of malicious prosecution against the City; and (iii) Plaintiff's claims against the City's Police Department.

Subsequent to the R&R, Plaintiff filed an untimely "Response to the Motion to Dismiss" (hereafter "Untimely Response") (Docket No. 22) and a "Motion for Reconsideration" (Docket No. 23). The Magistrate Judge struck the Untimely Response and denied the Motion for Reconsideration. *See* Docket No. 26. The Defendants' Reply to the Untimely Response (Docket No. 24) and "Plaintiff's Reply to Defendant's Reply to Plaintiff's Response to [the] Motion to Dismiss" (Docket No. 25) are rendered **MOOT**.

Signed on this 5th day of March, 2019.


Rolando Olvera
United States District Court